

REMARKS

Claims 1-29 are pending in the present application. Claims 1-4, 8, 12, 15, 21, 26, and 28 have been amended herein. No new matter has been added.

Applicants would like to thank the Examiner for the indication that claims 3-5, 7, 10, 11, 14, 15, 20, 25, 26, and 28 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter of claim 28. Applicants have amended claim 28 herein, thereby rendering this objection to claim 28 moot. Accordingly, Applicants respectfully request that the objection to claim 28 be withdrawn. The amended claim 28 is fully supported by the specification.

Claims 8-15 and 21-29 have been objected to because of informalities. Applicants have amended claims 8 and 21 to correct these informalities. Accordingly, Applicants respectfully request that the objections of claims 8-15 and 21-29 be withdrawn. (Applicants note that the objection to claim 15 was corrected by the amendment to claim 8, from which claim 15 depends.)

Claim 12 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 12 has been amended to correct the dependency from claim 8 to claim 11, thereby overcoming the rejection of claim 12 under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the objection of claim 12 be withdrawn.

Claims 1, 6, 8, 13, 16, 19, 21, 24, 27, and 29 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent Application Publication No. 2004/0251549 to Huang et al. (hereinafter "Huang"). Claims 2, 9, 17, 18, 22, and 23 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Huang. Applicants respectfully traverse these rejections.

Claim 1 recites “[a] method of manufacturing *an inter-level dielectric (ILD) layer.*” Thus, the steps of “forming a first low-dielectric constant material sub-layer,” “forming a second low-dielectric constant material sub-layer,” and “forming a third low-dielectric constant material sub-layer” are steps to manufacture “*an inter-level dielectric (ILD) layer.*” In other words, the recited steps are steps performed to manufacture one ILD layer, not steps that may be performed to manufacture separate ILD layers.

The Office Action asserts that these steps are taught by Huang. Huang, however, does not teach performing the steps recited in claim 1 of the present application to form one ILD layer. Rather, Huang assertedly teaches that each of the recited steps may be used *to manufacture different ILD layers.* For example, the Office Action asserts that the step of “forming a first low-dielectric constant material sub-layer” is taught by layer 40 (Figure 1) of Huang and that the step of “forming a second low-dielectric constant material sub-layer” is taught by layer 58 (Figure 1) of Huang. *Layer 40 and layer 58 of Huang, however, are two different ILD layers.* The Office Action further asserts that the step of “forming a third low-dielectric constant material sub-layer” is taught by layer 82 (Figure 1) of Huang. Again, layer 82 is *a different ILD layer* than layers 40 and 58, and thus, cannot be used to teach “[a] method of manufacturing *an inter-level dielectric (ILD) layer*” as recited in Applicants’ claim 1.

Independent claim 8 recites a similar feature. In particular, claim 8 explicitly recites that *the first ILD layer comprises: a first . . . , second . . . , and third . . . low-dielectric constant material.* Clearly, this feature is not shown by the references cited by the Office Action.

Independent claims 16 and 21 recite similar limitations as claims 1 and 8 and, accordingly, are patentable for at least some of the same reasons as discussed above with reference to claims 1 and 8.

Accordingly, it is respectfully requested that the rejections of independent claims 1, 8, 16, and 21 under 35 U.S.C. § 102(e) be withdrawn. Claims 2-7, 9-15, 17-20, and 22-29 depend from and further limit independent claims 1, 8, 16, and 21, respectively, and accordingly, it is also respectfully requested that the rejections of dependent claims 2-7, 9-15, 17-20, and 22-29 be withdrawn as well.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date


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